

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
MARK JAMES BROWN, SR.,**

Plaintiff,

**9:20-cv-1192
(GLS/ATB)**

v.

KORY KEEFER et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Mark James Brown, Sr.
Pro Se
c/o Ann Brown
26889 County Route 37
Watertown, NY 13601

FOR THE DEFENDANTS:

Kory Keefer
Sugarman Law Firm, LLP
211 West Jefferson Street
Syracuse, NY 13202

PAUL V. MULLIN, ESQ.

Guilfoyle Ambulance Service, Inc.
Nash Connors PC
344 Delaware Avenue, Suite 400
Buffalo, NY 13202

ANDREW JOSEPH KOWALEWSKI
ESQ.

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation and Order (R&R) by Magistrate Judge Andrew T. Baxter,

duly filed June 11, 2021. (Dkt. No. 27.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 27) is **ADOPTED** in its entirety; and it is further

ORDERED that plaintiff's Fourteenth Amendment deliberate medical indifference claim against defendant Guilfoyle Ambulance Service, Inc. is sua sponte **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Guilfoyle's motion to dismiss (Dkt. No. 13) is **GRANTED** and plaintiff's medical malpractice claim is **DISMISSED WITHOUT PREJUDICE**; and it is further

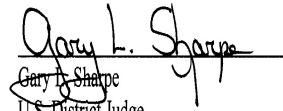
ORDERED that plaintiff may file an amended complaint within thirty (30) days of this Order. Plaintiff may amend or supplement only to the specific claims identified in the R&R. The amended complaint will supercede the original complaint and replace it in its entirety. Therefore, the amended complaint must be a complete and wholly-integrated pleading that includes only the claims that remain in this action. Plaintiff should not include any of the dismissed claims in the amended complaint; and it is further

ORDERED that, if plaintiff fails to file an amended complaint in the time permitted, the clerk shall terminate Guilfoyle from this action; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

July 13, 2021
Albany, New York


Gary L. Sharpe
U.S. District Judge